



General Assembly

February Session, 2016

Raised Bill No. 323

LCO No. 2183



Referred to Committee on EDUCATION

Introduced by:
(ED)

***AN ACT CONCERNING UNSUBSTANTIATED ALLEGATIONS OF
ABUSE AND NEGLECT BY SCHOOL EMPLOYEES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-101i of the 2016 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2016*):

4 (a) Notwithstanding any provision of the general statutes, not later
5 than five working days after an investigation of a report that a child
6 has been abused or neglected by a school employee, as defined in
7 section 53a-65, or that a person is a victim, as described in subdivision
8 (2) of subsection (a) of section 17a-101a, of a school employee has been
9 completed, the Commissioner of Children and Families shall notify the
10 school employee, the employing superintendent and the
11 Commissioner of Education of the results of such investigation and
12 shall provide records, whether or not created by the department,
13 concerning such investigation to the superintendent and the
14 Commissioner of Education. The Commissioner of Children and
15 Families shall provide such notice whether or not the child or victim

16 was a student in the employing school or school district. If the
17 Commissioner of Children and Families, based upon the results of the
18 investigation, has reasonable cause to believe that (1) (A) a child has
19 been abused or neglected, as described in section 46b-120, by such
20 employee, and (B) the commissioner recommends such school
21 employee be placed on the child abuse and neglect registry established
22 pursuant to section 17a-101k, or (2) a person is a victim, as described in
23 subdivision (2) of subsection (a) of section 17a-101a, of such school
24 employee, the superintendent shall suspend such school employee.
25 Such suspension shall be with pay and shall not result in the
26 diminution or termination of benefits to such employee. Not later than
27 seventy-two hours after such suspension the superintendent shall
28 notify the local or regional board of education and the Commissioner
29 of Education, or the commissioner's representative, of the reasons for
30 and conditions of the suspension. The superintendent shall disclose
31 such records to the Commissioner of Education and the local or
32 regional board of education or its attorney for purposes of review of
33 employment status or the status of such employee's certificate, permit
34 or authorization. The suspension of a school employee employed in a
35 position requiring a certificate shall remain in effect until the board of
36 education acts pursuant to the provisions of section 10-151. If the
37 contract of employment of such certified school employee is
38 terminated, or such certified school employee resigns such
39 employment, the superintendent shall notify the Commissioner of
40 Education, or the commissioner's representative, within seventy-two
41 hours after such termination or resignation. Upon receipt of such
42 notice from the superintendent, the Commissioner of Education may
43 commence certification revocation proceedings pursuant to the
44 provisions of subsection (i) of section 10-145b. Notwithstanding the
45 provisions of sections 1-210 and 1-211, information received by the
46 Commissioner of Education, or the commissioner's representative,
47 pursuant to this section shall be confidential subject to regulations
48 adopted by the State Board of Education under section 10-145g. No
49 local or regional board of education shall employ a person whose

50 employment contract is terminated or who resigned from employment
51 following a suspension pursuant to the provisions of this subsection if
52 such person is convicted of a crime involving an act of child abuse or
53 neglect as described in section 46b-120 or a violation of section 53a-70,
54 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a against any person who is
55 being educated by the technical high school system or a local or
56 regional board of education, other than as part of an adult education
57 program.

58 (b) Not later than five working days after an investigation of a
59 report that a child has been abused or neglected by a staff member of a
60 public or private institution or facility that provides care for children
61 or a private school has been completed, the Commissioner of Children
62 and Families shall notify such staff member's employer at such
63 institution, facility or school, or such employer's designee, of the
64 results of the investigation. If (1) the [Commissioner of Children and
65 Families] commissioner, based upon the results of the investigation,
66 has reasonable cause to believe that a child has been abused or
67 neglected by such staff member, and (2) the commissioner
68 recommends that such staff member be placed on the child abuse and
69 neglect registry established pursuant to section 17a-101k, such
70 institution, facility or school shall suspend such staff person. Such
71 suspension shall be with pay and shall not result in diminution or
72 termination of benefits to such staff person. Such suspension shall
73 remain in effect until the incident of abuse or neglect has been
74 satisfactorily resolved by the employer of the staff person or until an
75 appeal, conducted in accordance with section 17a-101k, has resulted in
76 a finding that such staff person is not responsible for the abuse or
77 neglect or does not pose a risk to the health, safety or well-being of
78 children. If such staff member has a professional license or certificate
79 issued by the state or a permit or authorization issued by the State
80 Board of Education or if such institution, school or facility has a license
81 or approval issued by the state, the commissioner shall forthwith
82 notify the state agency responsible for issuing such license, certificate,

83 permit, approval or authorization to the staff member and provide
84 records, whether or not created by the department, concerning such
85 investigation.

86 (c) (1) If, upon completion of an investigation of a report that a child
87 has been abused or neglected by a school employee, the Commissioner
88 of Children and Families finds that such abuse or neglect is
89 unsubstantiated, the commissioner shall notify the Commissioner of
90 Education, the employing superintendent, the employing school or
91 school district and the school employee of his or her findings. Upon
92 receipt of such notification, the Department of Education, the
93 employing superintendent and the employing school or school district
94 shall remove any references to the report and investigation from the
95 school employee's personnel records and any other records relating to
96 such school employee.

97 (2) A finding by the Commissioner of Children and Families that a
98 report of abuse or neglect is unsubstantiated shall not prohibit the
99 Department of Education or a local or regional board of education
100 from conducting, for purposes relating to professional certification or
101 employment, (A) an investigation of the conduct of a school employee
102 who is a subject of such unsubstantiated report of abuse or neglect, or
103 (B) upon completion of such investigation, from taking action with
104 respect to such school employee's employment, professional
105 certification, authorization or permit, including, but not limited to,
106 actions with respect to discipline, salary, promotion, transfer,
107 demotion, retention or continuance of employment, termination of
108 employment or any right or privilege relating to employment,
109 provided such unsubstantiated report of abuse or neglect shall not be
110 the sole basis for an action related to a school employee's employment,
111 professional certification, authorization or permit.

112 [(c)] (d) If a school employee, as defined in section 53a-65, or any
113 person holding a certificate, permit or authorization issued by the State
114 Board of Education under the provisions of sections 10-144o to 10-149,

115 inclusive, is convicted of a crime involving an act of child abuse or
116 neglect as described in section 46b-120 or a violation of subdivision (2)
117 of subsection (b) of section 17a-101a or section 53-21, 53a-71 or 53a-73a
118 against any person, or a violation of section 53a-70, 53a-70a, 53a-72a or
119 53a-72b against a victim, as described in subdivision (2) of subsection
120 (a) of section 17a-101a, the state's attorney for the judicial district in
121 which the conviction occurred shall in writing notify the
122 superintendent of the school district or the supervisory agent of the
123 nonpublic school in which the person is employed and the
124 Commissioner of Education of such conviction.

125 ~~[(d)]~~ (e) For the purposes of receiving and making reports, notifying
126 and receiving notification, or investigating, pursuant to the provisions
127 of sections 17a-101a to 17a-101h, inclusive, and 17a-103, a
128 superintendent of a school district or a supervisory agent of a
129 nonpublic school may assign a designee to act on such
130 superintendent's or agent's behalf.

131 ~~[(e)]~~ (f) On or before February 1, 2016, each local and regional board
132 of education shall adopt a written policy, in accordance with the
133 provisions of subsection (d) of section 17a-101, regarding the reporting
134 by school employees, as defined in section 53a-65, of suspected child
135 abuse or neglect in accordance with sections 17a-101a to 17a-101d,
136 inclusive, and 17a-103 or a violation of section 53-70, 53a-70a, 53a-71,
137 53a-72a, 53a-72b or 53a-73a against a victim, as described in
138 subdivision (2) of subsection (a) of section 17a-101i. Such policy shall
139 be distributed annually to all school employees employed by the local
140 or regional board of education. The local or regional board of
141 education shall document that all such school employees have
142 received such written policy and completed the training and refresher
143 training programs required by subsection (c) of section 17a-101.

144 ~~[(f)]~~ (g) (1) Each school employee, as defined in section 53a-65, hired
145 by a local or regional board of education on or after July 1, 2011, shall
146 be required to complete the training program developed pursuant to

147 subsection (c) of section 17a-101. Each such school employee shall
148 complete the refresher training program, developed pursuant to
149 subsection (c) of section 17a-101, not later than three years after
150 completion of the initial training program, and shall thereafter retake
151 such refresher training course at least once every three years.

152 (2) On or before July 1, 2012, each school employee, as defined in
153 section 53a-65, hired by a local or regional board of education before
154 July 1, 2011, shall complete the refresher training program developed
155 pursuant to subsection (c) of section 17a-101 and shall thereafter retake
156 such refresher training course at least once every three years.

157 (3) The principal for each school under the jurisdiction of a local or
158 regional board of education shall annually certify to the
159 superintendent for the board of education that each school employee,
160 as defined in section 53a-65, working at such school, is in compliance
161 with the provisions of this subsection. The superintendent shall certify
162 such compliance to the State Board of Education.

163 Sec. 2. Subsection (c) of section 17a-101 of the 2016 supplement to
164 the general statutes is repealed and the following is substituted in lieu
165 thereof (*Effective July 1, 2016*):

166 (c) The Commissioner of Children and Families shall develop an
167 educational training program and refresher training program for the
168 accurate and prompt identification and reporting of child abuse and
169 neglect. Such training program and refresher training program shall be
170 made available to all persons mandated to report child abuse and
171 neglect at various times and locations throughout the state as
172 determined by the Commissioner of Children and Families. Such
173 training program and refresher training program shall be provided in
174 accordance with the provisions of subsection [(f)] (g) of section 17a-
175 101i, as amended by this act, to each school employee, as defined in
176 section 53a-65, within available appropriations.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	17a-101i
Sec. 2	<i>July 1, 2016</i>	17a-101(c)

Statement of Purpose:

To require the removal of all references in a school employee's personnel records of a report and investigation relating to an unsubstantiated allegation of abuse or neglect by such school employee and to prohibit the use of such report and investigation against such school employee for any purpose relating to his or her employment.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]